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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,779	07/14/2003	Koichi Sato	P23210	4035

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER
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SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/05/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/05/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

**Office Action Summary**

Application No.

10/617,779

Applicant(s)

SATO, KOICHI

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/050,868.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims regarding storing image signals are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

The following is a suggested preamble:

“a computer readable medium having encoded thereon a computer image storing program comprising a set of instructions when executed by a computer to implement a method for image information in an image recording area or an information recording area, the method comprising the steps of:”.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**4. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Sasaki et al., US 6,515,698.**

In regard to claim 1, Sasaki et al., US 6,515,698, discloses an image recording medium, comprising:

an image recording area (see figure 14, element 209) in which an image signal can be recorded, the image signal being subjected to a plurality of image correction processes in a process order (see column 5, lines 20-22); and

an information recording area (see figure 14, header parts) in which data indicating the process order, in which the image correction processes are performed, is recorded (see column 8, lines 36-42).

In regard to claim 2, Sasaki et al., US 6,515,698, discloses an image signal process order device that processes a corrected image signal obtained by performing a plurality of image correction processes to an image signal in a process order, comprising:

a process order determining processor (see figure 7, element 109) that determines the process order (see figure 14 and column 7, line 40 to column 8, line 37);

and an image signal restoring processor (see figure 16, element 501) that performs restoration processes to the corrected image signal to restore the image signal (see column 8, lines 55-59). It is inherent the Sasaki reference discloses the restoration processes being performed in a restoring order which is the reverse of the process order, since the decoding reverses encoding.

In regard to claim 4, Sasaki et al., US 6,515,698, discloses the image signal process order device of claim 2, wherein data indicating the process order is recorded in an information recording area of an image recording medium (see figure 14, header parts), and the image signal is recorded in an image recording area of the image recording medium (see figure 14, element 209).

In regard to claim 5, Sasaki et al., US 6,515,698, discloses the image signal process order device of claim 2, further comprising an image recording medium (see figure 12, element 111) that includes an image recording area in which the image signal can be recorded (see figure 14, element 209), and an information recording area in which data indicating the process order is recorded (see figure 14, header section).

**5. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al, US 5,390,028.**

In regard to claim 3, Kobayashi et al., US 5,390,028, discloses an image signal process order system. It is inherent the video camera 21 of the Kobayashi reference comprises an image correcting processor that performs a plurality of image correction processes to an image signal in a process order to generate a corrected image signal, since the processing the image for gamma correction in a process order (see column 6, lines 4-9); an image signal recording processor that records the corrected image signal in a recording medium, since the image data to recorded to the VTR (see column 5, lines 27-29); and a process order recording processor that records the process order in the recording medium, since the process order characteristics are written in the ROM in

reverse (see column 6, lines 16-20). The Kobayashi reference further discloses comprising:

a process order reading processor that reads the process order from the recording medium (see column 6, lines 15-20); and

an image signal restoring processor (see linearizer 26) that performs restoration processes to the corrected image signal to restore the image signal, the restoration processes being performed in a restoring order, which is the reverse of the process order (see column 6, lines 10-15).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al, US 5,390,028, in view of Sasaki et al., US 6,515,698.**

In regard to claim 6, Kobayashi et al, US 5,390,028, discloses the image signal process order system of claim 3. The Kobayashi reference does not disclose wherein data indicating the process order is recorded in an information recording area of the recording medium, and the image signal is recorded in an image recording area of the recording medium.

Sasaki et al., US 6,515,698, discloses an image processing system wherein data indicating the process order is recorded in an information recording area of the recording

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medium (see figure 14, header section), and the image signal is recorded in an image recording area of the recording medium (see figure 14, element 209).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kobayashi et al, US 5,390,028, in view of Sasaki et al., US 6,515,698, to have data indicating the process order is recorded in an information recording area of the recording medium, and the image signal is recorded in an image recording area of the recording medium, in order for the other devices the storage medium is used in to easier access the header to see previous processing and determine what further processing is required to obtain the desired image.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,446,744, discloses a decoding circuit perform the process reversed of the coding circuit to restore the original image.

US 5,715,070, discloses a controller that select the image processing order.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



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